

REMARKS

This Amendment is submitted in response to the Office Action dated October 19, 2004. In the Office Action, the Patent Office objected to the drawings under 37 C.F.R. § 1.121(d) because the drawings do not show the claimed invention such as the storage means and the spool cover. The Patent Office also rejected Claim 13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Moreover, the Patent Office rejected Claims 1-5, 7-12 and 15-20 under 35 U.S.C. §102(b) as being anticipated by *Vetorino et al.* (U.S. Patent No.: 6,220,719). Moreover, the Patent Office rejected Claims 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over *Vetorino et al.* in view of *Cheung et al.* (U.S. Patent No.: 6,768,230).

By the present amendment, Applicant amended Claims 1, 6, 10 and 13. Applicant submits that the amendments overcome the objection to the drawings, the objection to the claims and the rejection to the claims by the Patent Office.

The Patent Office objected to the drawings under 37 C.F.R. § 1.121(d) because the drawings do not shown the claimed invention such as, a storage means and spool cover. The Patent Office requested new drawings to show these elements. Applicant submits herewith replacement drawings that adequately show the claimed

invention including the storage means and the spool cover. More specifically, the replacement drawings show the storage means and the spool coil cover as illustrated in amended Claim 6. Applicant respectfully submits that the drawings comply with 37 C.F.R. § 1.121(d). Notice to that effect is requested.

Moreover, the Patent Office rejected Claim 13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Patent Office alleges that the term "free body of water" is vague and indefinite. In response to the rejection, applicant has amended Claim 13 to more particularly point out and distinctly claim the subject matter of the invention. More specifically, Claim 13 now reads "wherein said device is inserted into said body of water wherein said body of water includes lakes, rivers, oceans and streams.

The Patent Office rejected Claims 1-5, 7-12 and 15-20 under 35 U.S.C. §102(b) as being anticipated by *Vetorino et al.* The Patent Office alleges that *Vetorino et al.* teaches an electric generation device comprising; a body having a top side and a bottom side, said body being generally cylindrical in shape and further wherein said body has an opening thereon, a magnet contained within the body of the device wherein the magnet is placed in the opening of the body (12, column 2, line 56, Figure 1), a plurality of wire coil (column

2, line 60, Figure 1) enclosed within the body of the electric generation device to collect electron flow; a diode bridge connected to the wire coil wherein the wire coil leads to the diode bridge (20, column 2, line 62, Figure 5). Applicant submits that the amendments to Claim 1 and Claim 10 overcome the rejection for the reasons that follow.

Vetorino et al. teaches a renewable energy flashlight that has a housing and a barrel located within the housing. A wire coil wraps around the barrel, between the barrel and the housing. A magnet oscillates within the barrel when the flashlight is shaken, generating an alternating current in the coil. Two springs at either end of the barrel cause the magnet to recoil when the magnets strikes the springs. An electronics assembly within the housing includes a capacitor for storing charge, a rectifier connected to the capacitor, and a means for conducting current flowing into the coil to the rectifier, to charge the capacitor. An LED is connected to the capacitor by means of a switch, and lights up when the switch is switched on.

Amended Claim 1 of the present invention requires an electric generation device having a body having a top side and a bottom side wherein the body is generally cylindrical in shape and further wherein said body has a opening therein. Amended Claim 1 also requires a magnet contained within the body of the device wherein the magnet is placed in the opening of the body

and further wherein said opening is larger than the size of the magnet allowing for free, random movement of the magnet within the opening in the electric generation device when the device is subjected to turbulence.

Moreover, amended Claim 1 requires a plurality of wire coil enclosed within the body of the electric generation device wherein said magnet is enclosed in the opening of the body between the plurality of wire coil to collect electron flow wherein said plurality of wire coil forms the outside edges of the opening in the body of the device and a diode bridge connected to the wire coil wherein the wire coil leads to the diode bridge.

Similarly, Amended Claim 10 requires a method of using an electric generation device, the method comprising the steps of: providing a body having an inside and an outside wherein said body is cylindrical in shape; providing a wire coil in association with the inside of the body; providing a magnet within the body of the device wherein random movement of the magnet in association with said wire coil produces a flow of electrons; enclosing the magnet within the electric generation device, wherein a space exists between the magnet and the wire coil wherein the wire coil surrounds and encloses the body of the electric generation device and further wherein said space is defined by the outside edges of the wire coil in association with

the inside of the body of the device; and inserting said electric generation device into a body of water.

Vetorino et al. does not teach or suggest a magnet contained within the body of the device wherein the magnet is placed in the opening of the body and further wherein the opening is larger than the size of the magnet allowing for free, random movement of the magnet within the opening in the electric generation device when the device is subjected to turbulence as required by Claim 1. On the contrary, *Vetorino et al.* merely describes a flashlight that has a housing and a barrel wherein a magnet oscillates within the barrel when the flashlight is shaken. Further, *Vetorino et al.* does not describe a magnet free, random movement of the magnet within the opening as required by Claim 1. Moreover, *Vetorino et al.* does not teach or suggest a plurality of wire coil enclosed within the body of the electric generation device wherein the magnet is enclosed in the opening and/or space of the body between the plurality of wire coil to collect electron flow wherein said plurality of wire coil forms the outside edges of the opening in the body of the device as required by Claim 1 and Claim 10. On the contrary, *Vetorino et al.* disclose springs at alternative ends of the flashlight to collect electron flow from a vertically oscillating magnet. Finally, *Vetorino et al.* does not teach or suggest inserting the

electric generation device into a body of water as required by Claim 10.

Under 35 U.S.C. §102(b), anticipation requires that a single reference disclose each and every element of Applicant's claimed invention. *Akzo N.V. v. U.S. International Trade Commission*, 808 F.2d 1471, 1479, 1 USPQ 2d 1241, 1245 (Fed. Cir. 1986).

Moreover, anticipation is not shown even if the differences between the claims and the reference are "insubstantial" and one skilled in the art could supply the missing elements. *Structure Rubber Products Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 USPQ 1264, 1270 (Fed. Cir. 1984).

In view of the foregoing remarks and amendments, the rejection of Claims 1-12 and 15-20 under 35 U.S.C. §102(b) as being anticipated by *Vetorino et al.* have been overcome and should be withdrawn. Notice to that effect is requested.

As to the rejection of Claims 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over *Vetorino et al.*, in view of *Cheung et al.*, Applicant respectfully asserts that these claims are further believed allowable over *Vetorino et al.* and *Cheung et al.* for the same reasons set forth with respect to independent Claim 10, since each sets forth additional novel steps of Applicant's method for using the electric generation device. Moreover, Applicant respectfully asserts that the amendment to Claim 10

further distinguishes the present invention from the prior art references for the following reasons.

Amended Claim 10 requires a method of using an electric generation device, the method comprising the steps of: providing a body having an inside and an outside wherein said body is cylindrical in shape; providing a wire coil in association with the inside of the body; providing a magnet within the body of the device wherein random movement of the magnet in association with said wire coil produces a flow of electrons; enclosing the magnet within the electric generation device, wherein a space exists between the magnet and the wire coil wherein the wire coil surrounds and encloses the body of the electric generation device and further wherein said space is defined by the outside edges of the wire coil in association with the inside of the body of the device; and inserting said electric generation device into a body of water.

Cheung et al. discloses a magnet system that employs multiple magnets in polar opposition to each other and having a critical angle of displacement from a horizontal static position of less than 1 degree, to induce an electrical signal in one or more surrounding coils. The magnets interact with each other to yield multiple modes of oscillation and a greater range of response to inputs with a single magnet system. A lubricant for the magnets is used to establish a friction between the magnets and their support

structure. The magnets are placed for movement in a primarily horizontal direction and are usually in a ring-shaped structure.

Neither *Vetorino et al.* and/or *Cheung et al.* taken singly or in combination teach or suggests a method of using an electric generation device, the method having the step of: providing a magnet within the body of the device wherein random movement of the magnet in association with said wire coil produces a flow of electrons as required by Claim 10. On the contrary, both *Vetorino et al.* and *Cheung et al.* use restricted movement of the magnet to produce any electric energy. Moreover, neither *Vetorino et al.*, nor *Cheung et al.* taken singly or in combination teach or suggest enclosing the magnet within the electric generation device, wherein a space exists between the magnet and the wire coil wherein the wire coil surrounds and encloses the body of the electric generation device and further wherein the space is defined by the outside edges of the wire coil in association with the inside of the body of the device; and inserting said electric generation device into a body of water as required by Claim 10.

Further, the Patent Office provided no teaching as to why one having ordinary skill in the art would have been led to modify *Vetorino et al.* in view of *Cheung et al.* to create Applicant's invention. Since the Patent Office failed to establish a *prima facie* case of obviousness, the rejection of Claims 13 and 14 under

35 U.S.C. §103(a) is improper and should be withdrawn. Notice to that effect is requested.

It is submitted that the question under §103 is whether the totality of the art would collectively suggest the claimed invention to one of ordinary skill in this art. In re Simon, 461 F.2d 1387, 174 USPQ 114 (CCPA 1972).

That elements, even distinguishing elements, are disclosed in the art is alone insufficient. It is common to find elements somewhere in the art. Moreover, most if not all elements perform their ordained and expected functions. The test is whether the invention as a whole, in light of the teaching of the reference, would have been obvious to one of ordinary skill in the art at the time the invention was made. Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983).

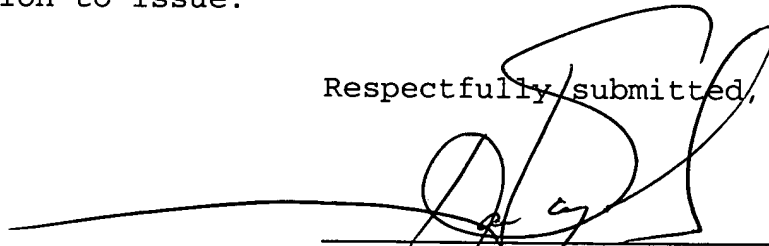
It is insufficient that the art disclosed components of Applicants' invention. A teaching, suggestion, or incentive must exist to make the combination made by Applicants. Interconnect Planning Corp. v. Feil, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1988).

In view of the foregoing remarks and amendments, the rejection of Claims 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over *Vetorino et al.* in view of *Cheung et al.*, has been overcome and should be withdrawn. Notice to that effect is requested.

Claims 2-9 depend from Claim 1; and Claims 11-20 depend from Claim 10. These claims are further believed allowable over *Vetorino et al.*, and *Cheung et al.* for the same reasons set forth with respect to independent Claims 1 and 10 since each sets forth additional novel components and steps of Applicant's electric generation device.

In view of the foregoing remarks, Applicant respectfully submits that all of the claims in the application are in allowable form and that the application is now in condition for allowance. If any outstanding issues remain, Applicant urges the Patent Office to telephone Applicant's attorney so that the same may be resolved and the application expedited to issue. Applicant requests the Patent Office to indicate all claims as allowable and to pass the application to issue.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'H. Sayed', is written over a horizontal line.

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CERTIFICATE OF MAILING

I hereby certify that this **Amendment** is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 19, 2005.

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